

DECISION MEMO

Lodgepole Timber Sale

USDA Forest Service
Heber Ranger District, Uinta National Forest
Wasatch County, Utah

BACKGROUND

Mountain pine beetle has infested well over 100 lodgepole pine trees within Lodgepole Campground and surrounding timber stands since 2005. In the fall of 2006, approximately 120 dead and beetle-infested lodgepole pines (hazardous trees) were cut within the campground. The wood resulting from these trees was bucked, stacked, and sold to the public through personal use fuelwood permits to remove the infested wood before beetle flight in the spring of 2007. In May of 2007, over 1,350 mature lodgepole pines were sprayed inside the campground with the preventative insecticide Carbaryl 4L to protect them from mountain pine beetle attack. The treatment was effective, although a few treated lodgepole pines within the campground were killed by mass attack from the pine engraver beetle (*Ips pini*). Dozens of untreated trees in adjacent lodgepole pine stands were also successfully attacked during the summer of 2007 and will most likely die by summer 2008. Mountain pine beetle populations remain high around the campground and pose a significant threat to remaining uninfested trees.

The spruce bark beetle (*Dendroctonus rufipennis*) has been active and aggressively causing hundreds of acres of tree mortality across the Willow Creek - Strawberry River Watershed since 2002. The beetle has migrated steadily northward and is currently infesting a 71-acre stand of mature Engelmann spruce (*Picea engelmannii*)/subalpine fir (*Abies lasiocarpa*) located upslope from Lodgepole Campground. Spruce beetle mortality was first detected in the watershed in 2003. Initial reconnaissance of the area revealed several pockets of spruce which had been attacked in 2002, with beetle populations subsequently reaching epidemic levels (Hebertson, 2004, Entomologist Report, located in Project Record).

Removal of dead and beetle infested trees is a treatment that helps to reduce local beetle populations and discourage further mortality in the area. Timing is critical since treatment activities must take place before adult beetle flight occurs and the insect spreads to different sites (RMRS-GTR-62, 2000). In a similar project, the Bryants Fork Salvage Timber Sale, treatment was not successful in controlling spruce beetle populations or preventing spread because action did not occur until 3 years after discovery of the infestation and by the time implementation had occurred insect populations had reached epidemic levels. However, the treatment was successful in collecting approximately \$75,000 dollars to be used for replanting Engelmann spruce back into the affected stands, accelerating the successional and recovery process by decades.

PURPOSE AND NEED

The purpose of the proposed action is to:

- Salvage dead and beetle infested timber, thin low vigor, suppressed and severely damaged trees to create healthier forest conditions.
- Remove hazardous trees from in and around Lodgepole Campground.
- Suppress existing bark beetle populations.
- Collect funds from timber receipts to allow for reforestation of severely infested stands.
- Recover the value of merchantable timber and contribute to the supply of timber to local mills.

Continued tree mortality caused by bark beetles in affected stands will increase standing dead trees that could be hazardous to public safety and reduce visual quality along the Highway 40 corridor. Merchantable timber within the project area may be lost in the absence of time-dependent action. Increased mortality resulting from escalating beetle infestations has increased existing fuel loads in the watershed, which will contribute to increased fire intensity were an ignition to occur.

DECISION

I have decided to implement the proposed action of using a combination of sanitation-salvage methods to harvest dead and beetle-infested timber, thin low vigor, suppressed, severely damaged and hazardous trees within approximately 115 acres of mature lodgepole pine and spruce-fir stands.

The project will involve using a commercial timber harvest to sanitize selected stands of insects and disease, remove overstocked, suppressed and hazardous trees, and reduce stand densities to create healthier forest conditions. Logging slash will be chipped, scattered or removed from the campground, and lopped and scattered in other stands. Piling and burning may be utilized in stands outside the campground where concentrations of logging slash are heavy and could lead to an infestation by the pine engraver beetle (*Ips pini*). Up to one half mile of temporary road would be required to access the spruce-fir stand. Following harvest, this will be ripped, re-contoured and seeded using a native seed mixture. Actions will be designed to avoid or minimize potential impacts to scenery and vegetation, soil, water, wildlife, and fisheries resources.

This decision will reduce the basal area of these stands to between 80-120 square feet per acre. The enclosed project map shows the location of the harvest areas and roads. This project is located within Sections 3, 5, 8, and 10 of Township 6 South, Range 6 East, Salt Lake Meridian. Treatment stands lie within the Daniels Creek 6th Order Hydrologic Unit Code (HUC). Daniels Creek drains into Deer Creek Reservoir and is a tributary to the Provo River.

The sanitation-salvage harvest method will be employed in all stands to remove dead and currently beetle-infested trees. Small openings may be created, one to two acres in size,

where groups of dead and infested trees existed. Residual basal area (BA) in the spruce-fir stand after treatment will be approximately 120 ft² per acre.

Within Lodgepole Campground, only trees of low vigor with poor crowns, hazardous trees, excessively camper damaged, dead and dying trees will be targeted for harvest. Residual basal area in the lodgepole pine stands after treatment will range between 80-110 ft² of BA/acre.

In addition to providing the needed treatment to move toward desired future conditions for this area, this decision will capture the economic value of merchantable timber harvested from the project which could be lost or become a public safety hazard in the absence of this action.

Design Features and Mitigation Measures

In response to public comments and specialists concerns, the following design features and mitigation measures will be implemented to alleviate impacts of the action:

1. During harvest operations existing natural regeneration will be protected to the fullest extent possible. This will be accomplished by strategically locating skid trails to avoid areas of natural regeneration. Within the spruce-fir stand, areas determined to be understocked five years after harvest will be planted with Engelmann spruce. Funds will be collected from timber receipts to construct temporary fencing to protect regeneration from livestock. Suitable aspen located along the stand boundary may be felled, bucked and utilized for temporary fence to protect regeneration.
2. Approximately two-thirds ($\geq 60\%$) of the existing standing volume (dead or alive) will be retained to lessen windthrow risk and maintain partially shaded conditions favorable for natural Engelmann spruce regeneration and growth.
3. Excluding stands within the campground, a minimum of 300 snags per 100 acres will be retained within the treatment area (LRMP, 3-21).
4. Equipment restrictions will be enforced within Riparian Habitat Conservation Areas (RHCA). Winching methods will be utilized to remove logs from equipment restricted areas. Utah Best Management Practices (BMPs) will be incorporated into planning and project implementation (Hydrology & Water Resources Report – Project Record).
5. Skid trails will be minimized by limiting passes over the same area by heavy equipment (skidders) to the extent possible. Repeated use of skid trails and landings during wet periods will be avoided (Soils Specialist Report – Project Record).
6. A historical goshawk nest site is located near Buck Springs, approximately one and one-half miles south of the project area. This nest has not been successful since 2002, and it is thought this nest is now abandoned (Wildlife BA/BE – Project Record). If goshawks are subsequently discovered in the project area, Standards

and Guidelines pertaining to northern goshawk listed in the Forest Plan will be applied (see LRMP, pages 3-11 & 3-12).

7. There are no known existing three-toed woodpecker nest sites in the project area, but the area will be surveyed prior to implementation (Wildlife BA/BE). If a three-toed woodpecker nest site is discovered, vegetation management activities will be prohibited within a 30-acre area around the nest from April 15 to September 1 (LRMP, page 3-11).
8. No known heritage resource/archeological sites are known to occur in the project area; however, if archaeological sites are located during project implementation, protection and consultation will occur as stipulated by the approved contract provisions (Heritage Specialist Report – Project Record).
9. Harvest activities within the campground will occur after Labor Day Weekend when the campground is closed for the season, and be coordinated with the campground concessionaire. Logging activity will be minimized or halted during opening weekends of the general deer and elk hunts and holiday weekends (Recreation Specialist Report – Project Record).
10. At the conclusion of the project, temporary roads, and excavated skid trails associated with salvage activities will be obliterated, surface gouged or pocked to prevent use by the general public, mulched, and revegetated through this project (Soil Specialist Report).
11. Signage and/or traffic controls will be utilized where necessary to ensure public safety and deter illegal road use (Recreation Specialist Report & Wasatch County comment).
12. Logging slash will be thoroughly cleaned up within the campground (Recreation Specialist Report).
13. All slash will be removed/scattered within 300 feet of sensitivity level 1 travelways (Lodgepole Campground & Forman Trail) and developed campsites to appear natural in the landscape.
14. Knudtsen/Vandenberg (KV) funds will be collected from timber sale receipts to flush cut stumps in pedestrian travelways. Stumps will be cut to less than 4 inches and covered with soil inside Lodgepole Campground.
15. Where applicable, dead trees located within RHCAs that are no longer suitable mountain pine beetle habitat, but still pose a safety hazard will be felled and left in place.
16. Logging trucks may only be half loaded when operating within the campground to prevent damage to the road.
17. In addition to these mitigation measures nationally and regionally approved timber sale contract provisions will be used as appropriate to assure resource impacts are minimized (appropriate contract provisions are included in the Project Record).

RATIONALE FOR DECISION

This project will remove potentially hazardous trees from Lodgepole Campground and along portions of the Forman Hollow Trail. Harvest of small amounts of dead, beetle infested, low vigor, suppressed and severely damaged trees in the campground will help reduce competition and move toward healthier forest and desired future conditions.

Sanitation-salvage harvesting of the nearby spruce-fir stand will not eradicate the spruce beetle from the stand, but will reduce populations that would continue to spread and infest nearby timber. Additionally, the funds collected from timber receipts will finance reforestation of the stand back to Engelmann spruce in a timelier manner. This project will recover the value of merchantable that would otherwise be lost, and contribute to the supply of timber to local mills.

DESIRED CONDITION

The project area is located within Deer Creek Management Area, as defined by the Land and Resource Management Plan (LRMP) for the Uinta National Forest. Direction for vegetation within this Management Area is that: Commercial timber sales are employed as the preferred management tool where economically viable and environmentally sound; however achievement of high yields is not the primary purpose. Timber removed from these areas, except within Management Prescription 4.5, contributes to the Forest's Allowable Sale Quantity (LRMP, page 5-40).

Site protection is paramount in Lodgepole Campground. Intensive vegetation management may be employed in order to maintain desired conditions (LRMP, page 5-43). On lands not identified as suited for timber production, cut or remove timber to enhance or protect other resource values or as required for public safety or insect and disease control (LRMP, page 3-21).

COMPLIANCE WITH THE FOREST PLAN

My decision is consistent with the 2003 Land and Resource Management Plan for the Uinta National Forest. This project is within the Deer Creek Reservoir Management Area and the Management Prescriptions for the project area are:

(4.5) Developed Recreation

MP-4.5-3: Guideline: Vegetation management is limited to activities or treatments that provide scenic quality and healthy vegetation while providing for fire prevention and public safety.

(5.2) Forested Ecosystems – Vegetation Management

MP-5.2-2: Guideline: Vegetation management activities are allowed.

MP-5.2-3: Guideline: Additional motorized and/or non-motorized trails may be constructed.

This project is consistent with the following goals, sub-goals and standards and guides of the Forest Plan;

FW-Goal-2: Biologically diverse, sustainable ecosystems maintain or enhance habitats for native flora and fauna, forest and rangeland health, watershed health, and water quality.

- **Sub-goal 2-6:** Ecosystems on the Forest provide and maintain viable and well-distributed populations of flora and fauna. New listings of threatened, endangered, and sensitive species as a result of Forest Service management activities are avoided.
- **Sub-goal 2-8:** Ecosystem resilience is maintained by providing for a full range of seral stages and age classes (by cover type) that achieve a mosaic of habitat conditions and diversity to meet a variety of desired resource management objectives. Recruitment and sustainability of some early seral species and vegetation communities in the landscape are necessary to maintain ecosystem resilience to perturbations.
- **Sub-goal 2-9:** Maintain adequate distribution of old growth in forested community types. Maintain at least 10 percent of each forest vegetation type in an old growth condition as defined in the Forest Service publication, *Characteristics of Old Growth Forests in the Intermountain Region* (USDA 1993), or subsequently modified Regional Forester-approved definition. Ensure the presence through time by providing for suitable and potential replacement areas.
- **Sub-goal 2-10:** Management actions maintain ecosystem health and encourage conditions that are within the historic range of variation. Management actions remain within the variability of size, intensity, and frequency of native disturbance regimes characteristic of the subject landscape and ecological processes.
- **Sub-goal 2-11:** Key shrubs and/or trees are maintained to a level that allows adequate recruitment to maintain or recover the woody component. Specifically, the Forest is managed for more plants in the combined sprout and young categories than in the combined mature and dead categories.

FW-Goal-3: Suitable commodity uses are provided in an environmentally sustainable and acceptable manner to contribute to the social and economic sustainability and diversity of local communities.

- **Sub-goal 3-3:** Silvicultural treatments are utilized to manage forested vegetation to provide for an ecologically sustainable (i.e., within a range of natural variability) mix of wildlife habitats, old growth and other late successional stages, recreational opportunities, and wood products for both commercial and personal use.
- **Sub-goal 3-4:** An annual and sustainable program of commercial timber sales is offered. The Forest contributes to the sustaining of local lifestyles and economies.

PUBLIC INVOLVEMENT

A notice inviting public comment and describing the proposed action was published in *The Provo Daily Herald* on August 28, 2007. It initiated the notice and comment period for 36 CFR 215. Concurrently, scoping letters were mailed to individuals, organizations and agencies on August 24, 2007. The proposal has been listed in the Forest's Quarterly Schedule of Proposed Actions (SOPA) since the spring of 2007. The SOPA is posted on the Uinta National Forest web page and mailed out quarterly to interested individuals, organizations and agencies.

Three comments were received during initial public comment period. One comment from a private citizen stated "*Good. This will help reduce beetles, fire danger, and make use of the timber.*" Wasatch County responded favorably to the project, recommending that the temporary road be signed or gated to restrict public access, and closed or obliterated after project completion. The other commenter supported the removal of hazardous trees within 200 feet of developments within the campground, but was not in favor of any other proposed harvesting. Issues identified during development of the proposed action and from public response are addressed in the following section:

ISSUES

Issue 1: "The other proposed logging will not work to shut down the MPB (mountain pine beetle) populations in the lodgepole pine nor will it shut down the spruce beetle population in the cutting unit located a mile and a half from the campground developments."

This project, in conjunction with the previous hazard tree removal and spraying projects, will be effective in preventing further tree mortality by MPB within Lodgepole Campground. Removal of dead, dying, low-vigor, suppressed, and severely camper-damaged trees will move the lodgepole pine toward desired conditions and increase the chance that funds will be granted to spray again in 2009.

The purpose is not to "shut down" the bark beetle populations in the cutting units, it is to "suppress" which means to hold back or curb the existing populations to create healthier forest conditions, and collect funds from timber receipts to allow for reforestation of severely infested stands.

Issue 2: "...more substantial partial cuts generally are not advisable (due to windthrow problems)..."

Proposed harvesting within the campground will not be substantial, only 10-20% of the existing stocking (BA/AC), limited to removal of dead, dying, low-vigor, suppressed, and severely camper damaged trees. The spruce-fir and lodgepole pine stands outside the campground will have no more than 30-40% of the overstory removed, a widely accepted range for partial cutting to prevent risk of windthrow.

Issue 3: “Severely infested stands WILL regenerate naturally – without the proposed plantation planting.”

It is true that severely infested stands will regenerate naturally, but as the Engelmann spruce canopy dies out, subalpine fir will predominate for 125-175 years (Schmid & Frye 1977). Using timber receipts to finance planting of Engelmann spruce will allow for reforestation of the severely affected stands with a longer lived, more desirable species in a much shorter time period.

Issue 4: “There is absolutely NO need to engage in road construction as proposed...”

The spruce-fir stand is more than ½ mile (≈2900’) in length. Economical log skidding distances are typically 1,500’ or less depending on the value of the timber. Skidding timber across 71 acres to one central landing/processing area along the main road would actually create more detrimental soil disturbance and compaction than building, utilizing, and rehabilitating the temporary road. The Categorical Exclusion Categories 31.2(13 & 14) being used for this project allow for no more than one ½ mile of temporary road construction. Considering

Issue 5: “Daniels Creek has RHCA (Riparian Habitat Conservation Area), and some of the proposed cutting units in and near the campground appear to enter.”

It is true that each stand in and around the campground has some portion that overlaps the Daniels Creek RHCA, which is 200 feet on either side. The Forest Plan allows for salvage cutting in RHCAs where catastrophic events such as insect damage results in degraded riparian conditions (LRMP, 3-22). Only trees within the RHCA that are actively infested with bark beetles or pose a hazard to people, structures or property will be harvested. Trees will be winched out of the RHCA to avoid equipment entry and resource damage as specified in the Hydrology and Water Resources report (Project File) and Mitigation Measure # 4.

Issue 6: “Cumulative impacts of ever-increasing levels of summer OHV recreation as well as over the snow motorized vehicles in the winter in this area must be included in the assessment of the extraordinary circumstances.”

Off highway vehicle (OHV) and over-the-snow motorized vehicle use will continue whether this project is implemented or not, and regulation of these vehicles is outside the scope of this project. My decision will not authorize any changes in OHV or over-the-snow recreation use. Analysis of the proposed action determined that there would be no net change in cumulative effects from dispersed recreation to the soils resource (Soils Specialist Report). At the conclusion of the project, temporary roads, and excavated skid trails associated with salvage activities will be obliterated, surface gouged or pocked to prevent use by the general public, mulched, and revegetated through this project (Soils Specialist Report and Mitigation Measure # 10). Temporary roads will be signed to prevent public use until closure (Mitigation Measure #11). Use of temporary roads or skid trail corridors by OHVs will be illegal, and punishable by law.

Issue 7: “It looks like some of the logging proposed involves a timber entry into Inventoried Roadless Area, in conflict with 36 CFR, part 294. Similarly, the cross hatching showing the Inventoried Roadless Area boundary provided to the public with the scoping solicitation letter does not accurately display the boundary of this IRA.

The Inventoried Roadless Area (IRA) depicted on the public scoping letter is correct and displays the most current IRA boundary. The updated layer (roadless_2002) is available on the Uinta National Forest Website at <http://www.fs.fed.us/r4/uinta/gis/data/basicdata.shtml>.

Issue 8: “This project is a similar and a cumulative action with the Lodgepole Campground Reconstruction Project. No decision document has yet been received. These projects must be analyzed, processed and approved together as the different configurations of the campground possible would relate to what trees are or will possibly be hazardous trees.”

The proposed Lodgepole Campground Expansion Project which was scoped to the public was never actually initiated due to time and budgetary constraints. Only existing sites already within the campground were refurbished. That action was categorically excluded from documentation with a project file or Decision Memo under FSH 1909.15, Chapter 30, 31.12(5).

Issue 9: “The proposed logging of the new snags will move the forest farther from requirements and needs for increasing the representation of snag habitat...”

The Forest Plan requires that 300 snags per 100 acres be retained. Because of the high level of infestation, more than 3 snags per acre will be retained in the spruce-fir stand to maintain partially shaded conditions favorable for Engelmann spruce regeneration and growth. Lodgepole pine stands outside the campground will also be marked to meet Forest Plan snag requirements.

Issue 10: “Given that the proposed action involves commercial harvest and clear cut of some of the older forest stands in the watershed, it appears that the proposed management activities will cause a decline of the old growth component as well as the mature forest component.”

Clearcutting is not a prescribed treatment for this project, however openings of 1-2 acres in size may be created where concentrations of dead trees are harvested. Sub-goal 2-9 in the Uinta Forest Plan (page 2-6) states, “Maintain at least 10 percent of each forest vegetation type in an old growth condition as defined in the Forest Service publication, Characteristics of Old Growth Forests in the Intermountain Region (USDA 1993)”.

The definitions of old growth as stated in Characteristics of Old-Growth Forests in the Intermountain Region (Hamilton 1993) are as follows:

Engelmann spruce-subalpine fir (warm/moister environment)

Minimum Requirement (live trees)			Existing Conditions		
DBH	TPA	Age	DBH	TPA	Age
Utah \geq 20	\geq 25	\geq 220	\geq 20	16.7	106

The spruce-fir stand does not meet 2 out of the 3 minimum requirements for old growth classification.

Lodgepole pine

Minimum Requirement (live trees)			Existing Conditions		
DBH	TPA	Age	DBH	TPA	Age
\geq 11	\geq 25	\geq 140	\geq 11	26.5	95

The lodgepole pine stands do meet 2 out of the 3 minimum requirements, but fall short in age. The prescribed treatment will remove only trees of low vigor with poor crowns, hazardous trees, excessively camper damaged, dead and dying trees. It will have little to no effect on live trees greater than eleven inch DBH that contribute to the old growth component.

CATEGORY OF EXCLUSION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect.

The proposed action also falls within category 31.2(13), Salvage of dead and/or dying trees not to exceed 250 acres, requiring no more than ½ mile of temporary road construction, and

Category 31.2(14), Commercial and non-commercial sanitation harvest of trees to control insects or disease not to exceed 250 acres, requiring no more than ½ mile of temporary road construction, including removal of infested/infected trees and adjacent live uninfested/uninfected trees as determined necessary to control the spread of insects or disease.

Categorical exclusion is appropriate in this situation because there are no extraordinary circumstances related to the proposed action. Extraordinary circumstances are those instances that could result in significant environmental effect to one or more of the following resource conditions, as described in FSH 1909.15-30.3, 2a-g.

- a. Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.**

The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. As required by this Act, potential effects of this decision on federally-listed or proposed species or their critical habitats have been analyzed and documented in a Biological Assessment, and effects on Forest Service Sensitive species have been documented in a Biological Evaluation (Project Record).

This decision will have 'no effect' on the following federally-listed or proposed species or their critical habitats (Biological Assessments, Project Record):

- Canada lynx
- western yellow-billed cuckoo

This decision will have 'no impact' on the following Forest Service Sensitive species (Biological Evaluations, Project Record):

- Columbia spotted frog
- peregrine falcon
- greater sage-grouse
- fisher
- spotted bat
- Bald eagle
- American beaver
- Boreal Toad
- Garret bladderpod
- Rockcress draba
- Wasatch jamesia
- Barneby wood aster

This decision 'may impact individuals or habitat, but will not likely contribute to a trend towards federal listing or loss of viability to the population or species' for (Biological Evaluations, Project Record):

- American three-toed woodpecker
- northern goshawk
- flammulated owl
- Townsend's big-eared bat
- Dainty Moonwort
- Slender Moonwort

The Biological Assessment and Evaluation of Fisheries and Aquatic Resources for the Lodgepole Campground Timber Sale (Project Record) determined that there will be **no negative long-term impacts, direct, indirect, or cumulative effects** to aquatic species or their habitat resulting from implementation of the proposed project.

b. Floodplains, wetlands, or municipal watersheds

Executive Order 11988 provides for avoidance of adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as,

“ . . . the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent (100-year recurrence) or greater chance of flooding in any one year.”

Executive Order 11990 provides for avoidance of adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, “. . . areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.”

- 1.8 acres of wetlands were identified near the project area (Hydrology & Water Resources Report/Map, Project Record), the majority of which is located on private land occupied by Daniels Summit Lodge. This project will have no adverse impacts on the identified wetland.
- The amount of sediment predicted to be delivered will be easily filtered in the vegetated ephemeral drainage bottoms below the treatment polygons and will not affect the wetlands or stream processes of Daniels Creek and tributaries. Best management practices for drainage crossings, road maintenance, and harvest activities will be implemented to ensure that any potential impact to these resources is avoided (Soils and Hydrology & Water Resources Reports, Project Record).

Design criteria as described in the Soils and Hydrology & Water Resources Report will be implemented to assure there are no adverse impacts to floodplains, wetlands, or municipal watersheds.

c. Congressionally designated areas, such as wilderness, wilderness study areas, or national recreation areas.

There are no Wildernesses, Wilderness Study Areas, or National Recreation Areas on the Forest. This decision will not affect these areas.

d. Inventoried Roadless Areas

The project is located adjacent to the Daniels Canyon Inventoried Roadless Area, but is outside of the Roadless Area. Based on the analysis for this project, implementation of project activities will not affect unique characteristics of the IRA and is consistent with current agency policy relative to roadless area management.

e. Research natural areas

There are no Research Natural Areas in the project area. This decision will not affect Research Natural Areas.

f. American Indians and Alaska Native religious or cultural sites.

There are no Alaska Native religious or cultural sites on the Forest. This decision does not affect Alaska Native religious or cultural sites.

g. Archaeological sites, or historic properties or areas

Section 106 of the **National Historic Preservation Act** requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The **Archaeological Resources Protection Act** covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The **Native American Graves Protection and Repatriation Act** covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items.

Heritage resource surveys were completed for the project area. No sites, prehistoric or historic, were found (Heritage Specialist Report, Project record). No tribal concerns were identified for this project. This decision complies with the Acts cited above.

FINDINGS REQUIRED BY OTHER LAWS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below:

National Forest Management Act (NFMA) – This Act requires the development of long-range land and resource management plans. The Uinta National Forest 2003 Land and Resource Management Plan was approved as required by this Act. The plan provides for guidance for all natural resource management activities. The Act requires all projects and activities are consistent with the plan. The plan has been reviewed in consideration of this project. As described previously in this document, this decision is responsive to guiding direction contained in the Plan, and is consistent with the standards and guidelines contained in the Plan.

National Environmental Policy Act (NEPA) - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

Clean Water Act (CWA) - This act requires each state to implement its own water quality standards. The State of Utah’s Water Quality antidegradation policy requires maintenance of water quality to protect existing beneficial uses on streams designated as Category 1 High Quality Waters. The State of Utah and the

Forest Service have agreed through a 1993 Memorandum of Understanding to use Forest Plan Standards & Guidelines and the Forest Service Handbook (FSH) 2509.22 Soil and Water Conservation Practices (SWCPs) as Best Management Practices (BMPs). The use of SWCPs as BMPs meets the water quality protection elements of the Utah Nonpoint Source Management Plan.

Endangered Species Act (ESA) – See page 10, Item ‘a.’ of this document.

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability is a concern. The USFS Region 4 Sensitive species list published in 2004 was used to determine the potential effects of the proposed action on sensitive terrestrial wildlife species. Potential effects of the proposed action on sensitive species are documented in biological evaluations which are part of the project record. See page 10, Item ‘a.’ of this document.

Migratory Bird Treaty Act (MBTA) – The Migratory Bird Treaty Act of 1918 as amended was established to protect migratory birds. This act makes it illegal to pursue, hunt, take, capture, kill, or possess migratory birds or any part nest, or egg of any such bird (16 U.S.C. 703-7012). In January of 2001 an Executive Order 13186 was issued on the Responsibilities of Federal Agencies to Protect Migratory Birds. It specifies the need to avoid or minimize any adverse impacts on migratory birds. The order addressed the need to restore and enhance the habitat of migratory birds. This project and decision are consistent with the MBTA (Wildlife Biologist Report – Project Record).

Roadless Area Conservation Rule of January 12, 2001 (RACR) – The intent of this rule is to provide lasting protection for inventoried roadless areas within the National Forest System in the context of multiple-use management. The 2001 RACR prohibits road construction and reconstruction and timber harvest within inventoried roadless areas on National Forest System lands. This project is consistent with RACR.

Implementation of this project is consistent with other Federal, State, and local laws for the protection of the environment.

IMPLEMENTATION DATE

Implementation of this project may occur on, but not before 5 days after the close of the appeal filing period, if no appeal is filed. When appeals are filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition.

ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is subject to appeal under Forest Service regulations 36 CFR 215. Appeals must meet the content requirements of 36 CFR 215.14. Appeals must be postmarked or

received by the Appeal Deciding Officer within 45 days of the publication of the legal notice in *The Provo Daily Herald*. This date is the exclusive means for calculating the time to file an appeal. Timeframe information from other sources should not be relied on. The Appeal Deciding Officer is Brian Ferebee, Forest Supervisor. Appeals must be sent to: Appeal Deciding Officer, Intermountain Region USFS, 324 25th Street, Ogden, Utah 84401; or by fax to 801-625-5277; or by email to: appeals-intermtn-regional-office@fs.fed.us. Emailed appeals must be submitted in rich text (rtf.) or Word (doc.) format and must include the project name in the subject line. Documents in other formats (tiff, jpg etc) should be mailed in hardcopy. Appeals may also be hand delivered to the above address, during regular business hours of 8:00 a.m. to 4:30 p.m. Monday through Friday.

CONTACT PERSON

For additional information, contact Shawn Martin, South Zone Forest Silviculturist, at the Heber Ranger District Office, 2460 South Highway 40, Heber City, UT 84032, or by phone at 435-654-0470.

SIGNATURE AND DATE

I have concluded that this decision may be categorically excluded from documentation in an environmental impact statement or environmental assessment, as it is within one of the categories identified by the Chief of the Forest Service in Forest Service Handbook 1909.15 section 31.2, and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative environmental effect. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. The best available science was utilized in rendering this decision (Project Record).

/s/ Julie K. King
Julie K. King
District Ranger
Heber-Kamas Ranger District
Uinta National Forest

2/28/2008
Date

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Enclosure(s): Project Map

